

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MOSES OGUNJIMI,

Plaintiff,

-against-

CITY OF NEW YORK, and DETECTIVES JENNIFER
A. WILLIAMS, and MILEY,

Defendants.
-----X

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE**

~~05 CV 9430 (GBD)~~
05 CV 5285 (JFB) (SMG)

WHEREAS, plaintiff commenced this action by filing a complaint on or about November 9, 2005, alleging that defendants violated his constitutional rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

WHEREAS, plaintiff Moses Ogunjimi has authorized counsel to settle this matter as against defendants on the terms enumerated below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. This above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff Moses Ogunjimi the total sum of FIVE THOUSAND FIVE HUNDRED DOLLARS (\$5,500.00) in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the

payment of this sum, plaintiff agrees to dismissal of all the claims against defendants City of New York, Detective Williams and Detective Miley, and any present or former employees or agents of the New York City Police Department and the City of New York, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by defendants or the City of New York that it has in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

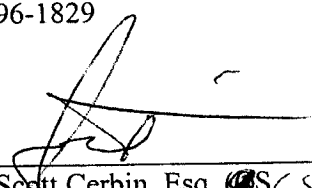
5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
_____, 2006

Scott Cerbin, Esq.
Attorney for Plaintiff
44 Court Street, Suite 917
Brooklyn, New York 11201
718-596-1829

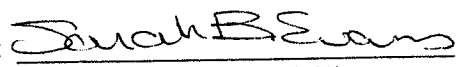
By:



Scott Cerbin, Esq. (SC 5508)

MICHAEL A. CARDOZO
Corporation Counsel of the City of New
York
Attorney for Defendants
100 Church Street, Room 3-200
New York, New York 10007
(212) 788-1041

By:



Sarah B. Evans (SE 5971)
Assistant Corporation Counsel

SO ORDERED: 5/2/06



U.S.D.J.